

THE SICKLES CASE.

CRIMINAL COURT.—TRIAL OF HON. DANIEL S. SICKLES FOR THE MURDER OF PHILIP HARTON KEY.

Fifth Day, Thursday, April 8, 1859.

The court was opened at twenty-five minutes after the hour. The prisoner, Daniel S. Sickles, was brought in. The effects of his confinement began to show themselves in the pallor of his face, but his step was still elastic and his bearing firm. His counsel generally, and more especially Mr. Stanton, kept continually near him, and he listened with marked attention to every particular of the evidence. Upon the stand, near Judge Crawford, Z. Collins Lee, Judge of the superior court at Baltimore, occupied a conspicuous position.

After a short delay, the hearing of testimony for the prosecution was continued.

Eugene Pendleton was the first witness called, but did not answer to his name. Mr. Ould stated that the evidence of this witness was important, and asked that the court should issue an attachment. It had been said that Mr. Pendleton was sick. If so, the United States, he supposed, would have to go on; but before doing so, he wished to know the nature and extent of the sickness, through the certificate of a physician.

The court accordingly issued an attachment, with directions to the bailiff to report Mr. Pendleton's condition, if found too sick to appear.

THOMAS WOODWARD was then put upon the stand, and testified that he was coroner of this District, and held the inquest over Mr. Key's body. A pistol had then been delivered to his keeping. [Here the prisoner identified the Derringer pistol as the one which he had given to him by Mr. Woodward. He examined the body and clothes. The clothes were in court. [Here witness produced an opera-glass case, a handkerchief, and two keys, which he found in the pockets of the deceased.] Witness also found fourteen dollars in the pockets, which he had delivered to the coroner. Key was wounded on one side; did not know which; also in the groin, and a slight bruise was on one hand. [Here witness produced the shirt, vest, coat, and pantaloons of Key, showing where the balls had entered.]

CRIMINAL COURT.—Continued. Could not say in what pocket he found the opera-glass case, but thinks in the inside breast pocket. Key had another bunch of small keys on a ring, which his family wanted; these he had delivered to Mr. J. A. Smith. Found nothing else in his pockets. Did not know whether, when he first saw Key, the coat was on or not. There were about fifteen or twenty persons in the room when he arrived at the Club-house. He arrived there between three and four o'clock. A gentleman from New York had come to his house in Georgetown for him; they immediately went together to the Club-house.

EVIDENCE OF EUGENE PENDLETON.

Eugene Pendleton testified that he was walking on the north side of the avenue, near the east gate leading to the President's house—heard a pistol shot; turned and saw two persons running toward the Club-house, and in the middle of the street, Key following him closely. Saw Key throw something. Sickles drew his pistol on Key, who exclaimed "murder!" Sickles then fired. The shot seemed to take effect. Key retreated and fell on the pavement. Sickles followed and fired again. Then came the direction of the Club-house, and Sickles with another walked away toward H street. Key's body was then carried off. Soon after he saw one man fishing an opera-glass out of a pool of water. Saw no pistol in Key's hands. Did not see the pistol in Sickles' hand until the second fire. Could not distinguish that kind of pistol. He heard it was a Derringer. Saw only two. The scuffle occupied a very short time. It took place near the pavement. Kept his eye upon the parties all the time after his attention was called to them. Saw only one shot.

CRIMINAL COURT.—Continued. Did not go into the Club-house. There were a number of ladies and one or two gentlemen on the sidewalk at the time. The ladies he supposed to be coming from church; they seemed very much alarmed.

EVIDENCE OF DR. COLLINGS.

Dr. R. H. Collings testified that he made an examination of the body of the late P. B. Key on Sunday afternoon, February 27th, at the Club-house. When he first saw him the clothes were on. He had not then ceased to breathe. Did not remove the clothing, but opened it to examine. Saw one wound in the left side between the tenth and eleventh ribs. It was three inches and a half above the hip bone, and seven inches from the middle of the back. On the opposite side, six inches above the hip, fell a ball under the skin. On the right thigh, a few inches below the groin, was another wound, the ball having passed through the thigh just where the buttock muscle is. In removing the clothing, he found that Dr. Stone, in the presence of the coroner, he found a wound on the left side. Discovered on the right side a slight contusion of the skin, and on looking at the coat and vest, saw that they had been penetrated by a ball, and concluded that the ball had been made by a ball which had entered the coat and vest, and passed through the body, and entered the liver within a half inch from the great vein of the liver. It then went through the diaphragm, and passing through the eighth rib on the right side, and lodged, as he stated, under the skin. That wound was mortal. Examined the heart. There was an unusual amount of fatness deposited on the left side of the heart, but otherwise the condition of the heart was healthy.

The District Attorney here asked the witness to state, from his knowledge of the nature of the wound in the human body, what was the probable posture of the deceased when the wound was given.

Mr. Stanton. I object. That is for the jury to determine.

Mr. Ould continued that inasmuch as the jury were called to witness the prohibition from giving their opinions in matters of judicial investigation. This was not a question of science, but of fact, and it was for the jury to determine what the relation between the parties was when the shots were fired.

Mr. Ould claimed that the question was legitimate, it being competent for the witness as an expert to show that a wound received in a standing position and touching the body as described, would not injure a man, and that Mr. Brady did not deny that a physician or surgeon may express a more learned opinion, but contended against his competency to give such evidence before the jury.

The Court decided that the question was a competent one.

Mr. Brady noted an exception to the ruling. The witness then proceeded to state in answer to the question of Mr. Ould, that the course of balls in human bodies was very tortuous and difficult to trace. Thought that Mr. Key must have been in a semi-recumbent position, on his right side with his shoulder higher than his hips, and inclined to the right. Was a substantial surgeon in the U. S. army. Was necessarily familiar with gunshot wounds. Thinks that this was made with a pistol. Had cut out the ball himself. [Here the witness identified a ball produced in court as the ball referred to.]

Mr. Ould. What kind of a pistol would you suppose produced this wound?

Mr. Brady. I object.

The Court ruled the question as inadmissible.

Mr. Ould. What kind of pistol does that ball belong to?

Mr. Brady. I object. Certainly you cannot claim a pistol as an expert on the subject of fire-arms.

Mr. Ould. An army surgeon ought to understand fire-arms to be able to discharge his duty without discharging fire-arms. [Laughter.]

CRIMINAL COURT.—Continued. The wound in the groin was produced by the shot from the front, and the main artery, and just above the largest branch of that artery. The wound was a flesh wound, and not mortal, nor even severe. It was such a wound, however, as would grievously disable a man. His attention had been called by the shot.

Went into the room at the Club-house, and found six or seven persons there. There was no person in charge of the room when he first saw him. When he first saw the key, he was a flesh wound, and not mortal, nor even severe. It was such a wound, however, as would grievously disable a man. His attention had been called by the shot.

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